

Dated: December 14, 1995.

Janet Reno,

Attorney General.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

Federal Sector Equal Employment Opportunity

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal sector equal employment opportunity provisions concerning the time limit for a complainant to file an appeal with the Merit Systems Protection Board (Board) following an agency's final decision on a mixed case complaint. The rule is being amended because the Board lengthened the time limits for filing a timely appeal from a complaint raising issues of prohibited discrimination.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, or Daniel T. Riordan, Senior Attorney, Advice and External Litigation Division, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, D.C. 20507; telephone (202) 663-4669 or (202) 663-7026 (TDD). Copies of this final rule are also available in the following formats: Large print, braille, audio-tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Publications Information Center at (800) 669-3362 (Voice) or (800) 800-3302 (TDD).

SUPPLEMENTARY INFORMATION: This change in the EEOC's procedures came about as a result of the Board's revision of its procedures for accepting appeals following a final decision by an agency on a mixed case complaint. The Board enlarged the time limit for accepting such appeals in a final rule at 59 FR 31109, June 17, 1994, which amended 5 CFR § 1201.154(b)(1) of its regulations. The Board changed the time limit for filing initial appeals to bring the Board's procedures more in line with the legal and regulatory time limits for filing with the Federal Courts and EEOC, and also to make the Board's appellate processes more accessible to Federal employees. 59 FR 31109. EEOC is therefore amending its regulation to conform with

the new time limit established by the Board.

We are issuing a final rule rather than a notice of proposed rulemaking because we have determined, for good cause, that publication of a proposed rule and solicitation of comments is not necessary. The Board initially announced this change as a proposed rule at 59 FR 18764, April 20, 1994, and asked for comments; a significant majority of the comments received favored or were not opposed to the change.

Regulatory Procedures

Executive Order 12866

The Commission has determined that this regulatory action is not "significant" as defined by Executive Order 12866, and is therefore not subject to review by the Office of Management and Budget.

Regulatory Flexibility Act

In addition, the Commission also certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this rule will not have a significant economic impact on a substantial number of small entities. For this reason, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements which are subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

List of Subjects in 29 CFR Part 1614

Administrative practice and procedure, Aged, Equal employment opportunity, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination. Gilbert F. Casellas, *Chairman*.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission is amending 29 CFR Part 1614 as follows:

PART 1614—FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY

1. The authority citation for 29 CFR Part 1614 continues to read as follows:

Authority: 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e-16; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

§ 1614.302 [Amended]

2. Section 1614.302 is amended by removing the number "20" in paragraphs (d)(1)(ii) and (d)(3) and adding in their place the number "30."

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH97-1; FRL-5462-2]

Interim Final Determination That State Has Corrected the Deficiency; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Interim final determination.

SUMMARY: In the proposed rules section of this Federal Register, USEPA has proposed conditional approval of the State of Ohio's New Source Review (NSR) program rules. Based on the proposed conditional approval, USEPA is making an interim final determination by this action that Ohio has corrected the deficiency for which a sanctions clock began on October 21, 1994. This action will defer application of the offset sanction and defer the application of the highway sanction. Although this action is effective upon publication, USEPA will take comment and will publish a final rule taking into consideration any comments received on this interim final rule.

DATES: This action will be effective April 22, 1996. Comments must be received by May 22, 1996.

ADDRESSES: Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. The State submittal and USEPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address.

FOR FURTHER INFORMATION CONTACT: Genevieve Nearmyer, Permits and Grants Section, Air Programs Branch, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. (312) 353-4761.

SUPPLEMENTARY INFORMATION:

I. Background

On August 20, 1993 the State submitted an NSR plan revision request which USEPA disapproved in full on September 24, 1994 (59 FR 48392). The USEPA's disapproval action started an